

Board of Respiratory Care
Minutes

Date: August 24, 2004

Time: 9:00 a.m., C.S.T.

Location: Cumberland Room
Ground Floor, Cordell Hull Building
425 5th Avenue North
Nashville, TN 37247-1010

Members Present: Billy Alred, Chair
Delmar Mack, Ed.D.
Timothy McGill
James Hunter, II
Charles Brownlee
Shirley Brackett

Staff Present: Tomica Walker, Board Administrator
Marva Swann, Unit Director
Robbie Bell, Health Related Boards Director
Nicole Armstrong, Advisory Attorney
Jerry Kosten, Regulations Manager
Lea Phelps, Disciplinary Coordinator

A quorum being present, Mr. Alred, Chair, called the meeting to order at 9:00 a.m.

Office of General Counsel

Ms Armstrong informed the Board that there are a total of 24 open cases in the Office of General Counsel. Ms. Armstrong also reminded the Board of their responsibilities under the Conflict of Interest policy.

Contested Case Hearings

Joe N. Baker – Mr. Baker was not present or represented by counsel. The state was represented by Laurie Doty.

The Board found Mr. Baker failed to obtain and / or submit proof documenting completion of the mandatory 10 hours continuing education in a timely manner for 2002 and failed to renew his license to practice respiratory care which expired on December 31, 2003, a violation of TCA 63-27-109 Rule 1330-1-.12 and TCA 63-27-105 Rule 1330-1-.09 respectively. The Board voted, with Mr. Alred recusing himself, to revoke Mr. Baker's license and assess a civil penalty of \$1,000.00.

Robert Ball – Case was deferred until next scheduled Board meeting.

Amelia Colvard Frye – Case was deferred until next scheduled Board meeting.

Amy Crunk – Ms. Crunk was not present by the agreement of the parties. The state was represented by Laurie Doty.

The Board found Ms. Crunk failed to obtain and or submit documenting the completion of the mandatory 10 hours continuing education in a timely manner for 2002 and failed to renew his license to practice respiratory care which expired on December 31, 2003 a violation of TCA 63-27-105, 63-27-112 and rule 1330-1-.12 respectively. The Board accepted the agreed order of having to submit proof of 15 hours of continuing education within ninety (90) days from the effective date of this order. These 15 hours shall not be used for fulfillment of any required continuing education for years other than 2002. And a civil penalty of \$150.00 was assessed to be paid within thirty (30) days of the effective date of this order.

Stephanie Hamm – Case was deferred until next scheduled Board meeting.

Terry Hill – Case was deferred until next scheduled Board meeting.

Jacqueline Hoover – Ms. Hoover was not present by the agreement of the parties. The state was represented by Laurie Doty.

The Board found Ms. Hoover failed to obtain and or submit documenting the completion of the mandatory 10 hours continuing education in a timely manner for 2002, a violation of TCA 63-27-105, 63-27-109, 63-27-112 and rule 1330-1-.12 respectively. The Board accepted the agreed order of having to submit proof of 15 hours of continuing education within ninety (90) day from the effective date of the order. These hours shall not be used for fulfillment of any required continuing education for years other than 2002. And a civil penalty of \$150.00 was assessed to be paid within thirty (30) days of the effective date of this order.

Kristi Jellison – Case was deferred until next scheduled Board meeting.

Tracy A Nicholas – Ms. Nicholas was not present or represented by counsel. The state was represented by Laurie Doty.

The Board found Ms. Nicholas failed to obtain and / or submit proof documenting completion of the mandatory 10 hours continuing education in a timely manner for 2002, a violation of TCA 63-27-109 and Rule 1330-1-.12 respectively. The Board voted to place Ms. Nicholas on probation for six (6) months until such time as compliance of all requirements are presented before the Board, to pay an assess civil penalty of \$1,000.00. Also to submit ten (10) hours of continuing education representing the amount of hours that were required in 2002, and submit an additional ten (10) hours of continuing education, for a total of twenty (20) hours.

Jonathan Oyer – Mr. Oyer was not present or represented by counsel. The state was represented by Laurie Doty.

The Board found Mr. Oyer failed to obtain and / or submit proof documenting completion of the mandatory 10 hours continuing education in a timely manner for 2002, a violation of TCA 63-27-109 and Rule 1330-1-.12 respectively. The Board voted to place Mr. Oyer on probation for six (6) months until such time as compliance of all requirements are presented before the Board, and to assess a civil penalty of \$1,000.00 and 10 (ten) hours on continuing education representing the amount of hours that were required in 2002, and submit an additional ten (10) hours of continuing education, for a total of twenty (20) hours.

Helen Pickens – Ms. Pickens was not present or represented by counsel. The state was represented by Laurie Doty.

The Board found Ms. Pickens failed to obtain and / or submit proof documenting completion of the mandatory 10 hours continuing education in a timely manner for 2002, a violation of TCA 63-27-109 and Rule 1330-1-.12 respectively. The Board voted to place Ms. Pickens on probation for six (6) months until such time as compliance of all requirements are presented before the Board, and to assess a civil penalty of \$1,000.00 and 10 (ten) hours on continuing education representing the amount of hours that was required in 2002, and submit an additional ten (10) hours of continuing education, for a total of twenty (20) hours.

Lorie Robinson – Ms. Robinson was not present or represented by counsel. The state was represented by Laurie Doty.

The Board found Ms. Robinson failed to obtain and / or submit proof documenting completion of the mandatory 10 hours continuing education in a timely manner for 2002, a violation of TCA 63-27-109 and Rule 1330-1-.12 respectively. The Board voted to place Ms. Robinson on probation for six (6) months until such time as compliance of all requirements are presented before the Board, and to assess a civil penalty of \$1,000.00 and ten (10) hours on continuing education representing the amount of hours that were required in 2002, and submit an additional ten (10) hours of continuing education, for a total of twenty (20) hours.

Rowena Shoemaker – Case was deferred until next scheduled Board meeting.

Teddy Ray Wagoner – Mr. Wagoner was not present or represented by counsel. The state was represented by Elisha Hodge.

The Board found Mr. Wagner in violation of TCA 63-21-112 (a) (4) respectively. The Board voted to revoke Mr. Wagner's license to assess a civil penalty of \$200.00.

Minutes

A motion was made by Mr. Hunter and seconded by Mr. McGill to adopt the minutes as corrected. The motion carried.

Rules

Mr. Kosten informed the Board that the results from the Rulemaking Hearing held May 7, 2004, has been deferred until the next scheduled Board meeting to be held on October 26, 2004.

Mr. Kosten conducted a roll call vote to accept the continuing education requirements as amended. A motion was made by Mr. McGill and seconded by Dr. Mack. Motion carried

Applicant Interviews

Tina Honeycutt – Ms. Honeycutt appeared before the Board applying to be licensed by reciprocity. After interviewing Ms. Honeycutt, a motion was made by Ms. Brackett and seconded by Mr. Brownlee to approve Ms. Honeycutt for licensure. The motion carried.

Ben Hornsby - Mr. Hornsby came before the Board applying to be licensed by reciprocity. After interviewing Mr. Hornsby, a motion was made by Dr. Mack and seconded by Mr. Brownlee to deny Mr. Hornsby for licensure. Motion carried.

Margaret Mahdi – Ms. Mahdi appeared before the Board applying to be licensed as a new graduate. After interviewing Ms. Madhi, a motion was made by Dr. Mack and seconded by Mr. Brownlee to approve Ms. Mahdi for licensure. The motion carried.

Eduardo Mendoza – Mr. Mendoza came before the Board applying to be licensed by reciprocity. After interviewing Mr. Mendoza, a motion was made by Mr. Hunter and seconded by Dr. Mack to deny Mr. Mendoza for licensure. The motion carried.

Jesse Moreno – Mr. Moreno came before the Board applying to be licensed by reciprocity. After interviewing Mr. Moreno, a motion was made by Mr. Hunter and seconded by Mr. Brownlee to approve Mr. Moreno for licensure. The motion carried.

Richard Perry – Mr. Perry came before the Board applying to have ABG Endorsement added to his license , a motion was made by Ms. Brackett and second by Dr. Mack to approve pending proof of documentation of an ABG Endorsement course from one of the approved schools. The motion carried.

Ernest Shankles - Mr. Shankles came before the Board applying to have ABG Endorsement added to his license. A motion was made by Dr. Mack and second by Mr. Brownlee to approve pending proof of documentation of an ABG Endorsement course from one of the approved schools. The motion carried

ABG Endorsement Course Approval

David Johnson - After review of the information submitted by Mr. Johnson in support of his request to have his ABG Endorsement course approved. A motion was made by Mr. Hunter and seconded by Mr. Brownlee to approve this course. The motion carried.

The Board voted to start a task force to define the components of an ABG Endorsement course. The Board also voted that Mr. Hunter be the chair and Ms. Bracket and Dr. Mack be on the task force committee.

Administrative Report

Mrs. Walker presented the following statistical information to the Board for their information:

RRT	CRT	RCA
Active Licensees – 1983	Active Licensees – 1868	Active Licensees – 39
Retired Licensees – 244	Retired Licensees – 323	Retired Licensees – 26
Failed to Renew – 551	Failed to Renew – 1020	Failed to Renew – 89

Mrs. Walker also informed the Board that the downgrade from RRT to CRT is still in the process upon renewal of the certification.

Disciplinary Report

Ms. Phelps presented the disciplinary report which indicated that the one licensee currently under disciplinary action is in compliance with their disciplinary orders.

Financial Report

Ms. Walker presented the financial reports which indicated that the anticipated surplus as of June 30, 2003 is \$266,480.

Investigative Report

Ms. Phelps presented the Investigative Report which indicated that thirteen cases were currently under investigation.

Continuing Education Policy

A motion was made by Mr. Hunter and second Mr. Brownlee to defer to next meeting prior to adoption. The motion carried.

Board meeting dates were set for 2005

Ratifications

A motion was made by Dr. Mack and seconded by Ms. Bracket to approve the list of Registered Respiratory Therapist and Certified Respiratory Therapist. The motion carried.

Adjournment

There being no further business, the meeting was adjourned at 1:30 p.m.